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12 Attorneys for Plaintiff  
13

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**

16  
17 CHARLES MICHAEL FOLEY, on behalf of  
himself and all others similarly situated,

18 Plaintiff,

19 vs.  
20

21 KUDELSKI SA,  
KUDELSKI INTERACTIVE CAYMAN, LTD.,  
22 ANDRE KUDELSKI, and  
DOES 1 THROUGH 50,

23 Defendants.  
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Case No. C-09-04896 MHP

**ADMINISTRATIVE MOTION TO  
APPROVE THE STIPULATION OF  
PLAINTIFFS TO REQUEST FOR  
ORDER TO CONSOLIDATE CASES  
AND APPOINT INTERIM CO-LEAD  
COUNSEL**

1 SALVATORE L. GIORDANO, on behalf of  
2 himself and all others similarly situated,

3 Plaintiff,

4 vs.

5 OPENTV CORP, ANDRE KUDELSKI, NIGEL  
6 BENNETT, JOSEPH DEISS, LUCIEN GANI,  
7 ALEX OSADZINSKI, PIERRE ROY, MAURO  
8 SALADINI, JAMES A. CHIDDIX, CLAUDE  
SMADJA, JERRY MACHOVINA, KUDELSKI  
SA and KUDELSKI INTERACTIVE  
CAYMAN, LTD.,

9 Defendants.

10 JOSEPH WEISS, individually and on behalf of  
11 all others similarly situated,

12 Plaintiff,

13 v.

14 KUDELSKI SA, KUDELSKI INTERACTIVE  
CAYMAN, LTD., and ANDRE KUDELSKI,

15 Defendants.

No. C 09-5077

**CLASS ACTION**

No. C 09-5093

**CLASS ACTION**

1 Pursuant to Local Rule 7-11, plaintiff Charles Michael Foley ("Plaintiff") respectfully  
2 submits this Miscellaneous Administrative Motion to Approve the Stipulation of Plaintiffs to  
3 Request for Order to Consolidate Cases and Appoint Interim Co-Lead Counsel. Plaintiff makes this  
4 administrative motion based on this Motion, the accompanying declaration of Christopher T.  
5 Heffelfinger and the Stipulation of Plaintiffs to Request for Order to Consolidate Cases and Appoint  
6 Interim Co-Lead Counsel ("Stipulation"), attached herewith.

7 On October 27, 2009, Plaintiff filed his Motion to Consolidate Actions and Appoint Interim  
8 Co-Lead Counsel ("Motion"). The Motion is currently calendared for hearing before this Court on  
9 December 7, 2009 at 2:00pm before the Honorable Marilyn Hall Patel.

10 Since Plaintiff filed the Motion, he and the other plaintiffs in this action have agreed to  
11 stipulate to consolidation of the pertinent actions and to appointment of co-lead counsel. *See*  
12 Declaration of Christopher T. Heffelfinger In Support of Administrative Motion to Approve the  
13 Stipulation of Plaintiffs to Request an Order to Consolidate Cases and Appoint Interim Co-Lead  
14 Counsel ("Heffelfinger Decl."), Exhibit A.

15 Defendants Kudelski Interactive Cayman, Ltd., Kudelski SA and OpenTV Corp. do not  
16 object to the Stipulation or its approval by the Court. *See* Heffelfinger Decl. ¶¶ 3-4. Defendant  
17 Andre Kudelski has yet to receive service or make an appearance in this matter.

18 For the foregoing reasons, Plaintiff requests the Court grant his Administrative Motion and  
19 Approve the Stipulation.

20  
21 Dated: November 4, 2009

Respectfully Submitted,

22 **BERMAN DeVALERIO**

23  
24 By:    
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